

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JULIUS BRADFORD,

Case No.: 2:20-cv-00871-APG-BNW

Plaintiff

Order Denying Motion for Preliminary Injunction

V.

STEVE SISOLAK, et al.,

[ECF Nos. 4, 23, 24]

Defendants

Plaintiff Julius Bradford moves to enjoin the defendants from citing to or enforcing section 9 of Senate Bill No. 2 (1957) and 1957 Statutes of Nevada, Chapter 2. ECF Nos. 4. To qualify for a preliminary injunction, a plaintiff must demonstrate: (1) a likelihood of success on the merits, (2) a likelihood of irreparable harm, (3) the balance of hardships favors the plaintiff, and (4) an injunction is in the public interest. *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). Alternatively, under the sliding scale approach, the plaintiff must demonstrate (1) serious questions on the merits, (2) a likelihood of irreparable harm, (3) the balance of hardships tips sharply in the plaintiff's favor, and (4) an injunction is in the public interest. *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1135 (9th Cir. 2011).

I deny Bradford's motion because he has not shown a likelihood of success on the merits. The Nevada Court of Appeals rejected Bradford's argument when it resolved his postconviction habeas petition in state court. *Bradford v. Williams*, No. 79635-COA, 463 P.3d 482, 2020 WL 2781653, at *2 (Nev. App. 2020). As that court explained:

21 Bradford also claimed he was actually innocent because the defect in the 1957
22 Nevada Revised Statutes (NRS) meant that his actions did not constitute a crime.
23 Bradford observed that S.B. 2, enacted in 1957, provided that the NRS, which it
created, were “attached hereto,” *see* 1957 Nev. Stat., ch. 2, § 9, at 4, that the
statutes pursuant to which he was convicted were not attached in the Statutes of
Nevada, and therefore the acts those statutes purportedly criminalized were not

1 criminal acts. Bradford's argument was fundamentally flawed because § 8 of that
2 same act mandated that, despite the language in § 9, “[t]he provisions of NRS
3 1.010 to 710.590, inclusive, appearing following section 9 of this act shall not be
4 printed or included in the Statutes of Nevada” Bradford thus failed to
demonstrate any fundamental miscarriage of justice to overcome these procedural
bars.

5 *Id.* Moreover, Bradford has not shown that he will suffer irreparable injury if the defendants are
6 allowed to make legal arguments or enforce the law. Nor has he shown the balance of hardships
7 tips in his favor or that it serves the public interest to enjoin the defendants from presenting legal
8 arguments to the courts, particularly ones that are consistent with the Nevada Court of Appeals'
9 decision that the law under which he was convicted is valid.

10 I THEREFORE ORDER that plaintiff Julius Bradford's motions for preliminary
11 injunction (**ECF No. 4**), for order to show cause (**ECF No. 23**), and for temporary restraining
12 order (**ECF No. 24**) are **DENIED**.

13 DATED this 5th day of February, 2021.



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15 ANDREW P. GORDON
16 UNITED STATES DISTRICT JUDGE
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